

Case 9:20-cv-00154-MAC-CLS Document 49 Filed 03/11/24 Page 1 of 2 PageID #: 320

EASTERN DISTRICT OF TEXAS

IRON THUNDERHORSE,

Plaintiff,

versus

CHAPLAIN GUY,

Defendant.

CIVIL ACTION NO. 9:20-CV-154

MEMORANDUM OPINION AND ORDER

Plaintiff has filed a motion for reconsideration (#48). Plaintiff seeks relief from the magistrate judge's order denying his motion for leave to file an amended and supplemental complaint (#45). Plaintiff contends that the order was clearly erroneous and contrary to law. This memorandum opinion considers such motion.

Analysis

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. In accordance with 28 U.S.C. § 636(b)(1)(A), a judge of the court may reconsider any pretrial matter referred to a magistrate judge under subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

The magistrate judge denied plaintiff's motion reciting that this lawsuit was the result of plaintiff's second amended complaint filed in the Southern District, plaintiff sought to add new parties and new claims after almost three years, as well as make this case a class action. Further, the magistrate judge observed that allowing plaintiff to again amend his complaint would cause undue delay in this action.

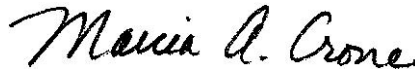
After careful consideration, the court is of the opinion that plaintiff's objections to the denial of his motion lack merit and should be overruled. The court finds the order of the magistrate judge neither clearly erroneous nor contrary to law. As recited by the magistrate judge, plaintiff was

dilatory in filing his motion and allowing plaintiff's motion would cause undue delay in this action.¹ Further, plaintiff's motion for reconsideration of the order is untimely as it was filed after the judgment was entered and does not seek relief from the judgment. Therefore, the motion for reconsideration should be denied.

ORDER

For the reasons set forth above, plaintiff's motion lacks merit and should be denied. It is **ORDERED** that plaintiff's motion for reconsideration is **DENIED**.

SIGNED at Beaumont, Texas, this 11th day of March, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ To the extent plaintiff claims he did not receive the order in a timely fashion, a review of the docket reveals plaintiff did not keep the court informed of his current address by updating his address during his transfers to other units of assignment.